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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,358	01/14/2000	Ernst-Michael Hamann	GE-99-008	8276

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08/12/2004

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EXAMINER

KIM, JUNG W

ART UNIT PAPER NUMBER

2132

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/483,358

Applicant(s)

HAMANN ET AL.

Examiner

Jung W Kim

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

3**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires ~~4~~ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-25.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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Continuation of 2. NOTE: proposed amendment to claim 10 introduces the limitation of inserting one of the keys of the key pair generated in step bb into the supplementary certificate whereas the current claim defines the limitation of inserting one of the keys (basic certificate key and key pair) into the supplementary certificate. See lines 25-26. Proposed amendment to claim 19 introduces the limitation of certification of one or more of the several keys whereas the current claim defines the limitation of certification of one of the several keys. See lines 9-10.

Continuation of 5. does NOT place the application in condition for allowance because: does NOT place the application in condition for allowance because:

In response to applicant's argument that the references of Sutter and Karlton does not teach the limitation of a supplementary certificate found deficient in the VeriSign reference, examiner disagrees. Sutter and Karlton in combination teaches a supplementary certificate: Sutter discloses the limitation of certifying a plurality of keys to a defined user, each key having a different use. See Sutter, col. 49, lines 27-39. Karlton discloses the limitation of providing multiple certificates to certify different uses of a key for a user. See Karlton, page 1, section titled 'Motivation'; page 2, section titled 'Implementation Outline'. Furthermore, Sutter discloses the need for certifying a plurality of keys to a user and Karlton discloses need for issuing multiple certificates to a user. Ibid.

In response to applicant's argument that the references teach away from incorporating a key pair in the attribute certificate as taught by Karlton (applicant's arguments, page 20, last sentence-page 21, 1st paragraph), the examiner points out that this particular teaching by Karlton is a means to distinguish and define attribute certificates relative to an identity certificate and the relationship established between attribute and identity certificates. The obvious construction formed in the rejections by the examiner using Karlton is not a construction between an identity certificate and an attribute certificate but a combination between a basic certificate covered by the invention of VeriSign, Sutter, and Stallings, and a modified attribute certificate (supplemental certificate as named in the applicant's claim). Furthermore, since the content of certificates are merely digital means of structuring information between users, key values, and other pertinent information, a modification is only limited by the logic of the modified structure. In the case of Karlton, supplementary certificates to define key usage for the plurality of keys assigned to a user in the invention of VeriSign and Sutter is an obvious modification.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (applicant's amendment, page 21, last sentence), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

For these reasons, the request for reconsideration does not place the application in condition for allowance..

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